

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
NORTH DAKOTA AQUATIC RODENT DAMAGE MANAGEMENT EA**

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions are categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). To evaluate and determine if any potentially significant impacts to the human environment from WS's planned and proposed program would occur, an environmental assessment (EA) was prepared. The EA documents the need for beaver and muskrat damage management in North Dakota and assessed potential impacts of various alternatives for responding to damage problems. WS's proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on all land classes in North Dakota. Comments from public involvement letters were reviewed for substantial issues and alternatives which were considered in developing this decision.

The EA analyzes the potential environmental and social effects for resolving beaver and muskrat damage related to the protection of agricultural and natural resources, property, and threats to public health and safety on private and public lands in North Dakota. North Dakota has an area of 45,225,600 acres; in Fiscal Year (FY) 97, North Dakota WS had agreements to conduct beaver or muskrat damage management on about 36,901 acres or less than 0.1% of the land area and averaged 19,019 acres from FY 93 to FY 97 or less than 0.05% of North Dakota (MIS 1993, 1994, 1995, 1996, 1997). North Dakota contains lands under the administration of the U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (Forest Service), Bureau of Land Management (BLM), Bureau of Reclamation (BOR), U.S. Army Corps of Engineers (USACE), American Indian Tribes, North Dakota School Trust (State trust), North Dakota Forest Service (NDFS), North Dakota Fish and Game Department (NDGF), county and private lands.

WS is the Federal program charged by law to reduce damage caused by wildlife (Animal Damage Control Act of March 2, 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c) and the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, Public Law 100-102, Dec. 27, 1987. Stat. 1329-1331 (7 U.S.C. 426c). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and is recognized as an integral part of wildlife management (The Wildlife Society 1992). WS uses an Integrated Wildlife Damage Management (IWDM) approach, commonly known as Integrated Pest Management (ADC Directive 2.105) in which a combination of methods may be used or recommended to reduce damage. WS wildlife damage management is not based on punishing offending animals but as one means of reducing damage and is used as part of the WS Decision Model (Slate et al. 1992, USDA 1994, ADC Directive 2.201). The imminent threat of damage or loss of resources is often deemed sufficient for wildlife damage management actions to be initiated (U.S. District Court of Utah 1993). Resource management agencies have requested WS to conduct beaver and muskrat damage management to protect agricultural and natural resources, property, and wildlife, including threatened and endangered (T&E) species in North Dakota. All North Dakota WS wildlife damage management is in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act (ESA) of 1973 and Clean Water Act.

WS cooperates with the Forest Service, BLM, USFWS, USACE, BOR, NDGF, North Dakota Department of Agriculture (NDDA), NDFS, North Dakota Association of Counties, North Dakota Health Department (NDHD) and the North Dakota State University Cooperative Extension Service to reduce wildlife damage. The NDGF has the responsibility to manage all wildlife in North Dakota, including Federally listed T&E species and migratory birds, which is a joint responsibility with the USFWS. Memoranda of Understanding (MOUs) signed between APHIS-WS and the Forest Service, BLM, NDGF, NDDA and American Indian Tribes clearly outline the responsibility, technical expertise and coordination between agencies. The MOUs with the Forest Service and BLM provide guidance for compliance with the NEPA and the basis for the interdisciplinary process used to develop the EA. A Multi-agency Team with representatives and advisors from each of the cooperating agencies convened to assess the impacts of WS beaver and muskrat damage management in North Dakota. The USACE, NDGF, USFWS, NDFS, Forest Service and BLM cooperated with North Dakota WS to determine whether the proposed action is in compliance with relevant management plans, laws, regulations, policies, orders, and procedures.

Consistency

Wildlife damage management conducted on National Forest System and BLM lands will be consistent with MOUs and policies of APHIS-WS, the Forest Service and BLM, Land and Resources Management Plans (LRMPs) for the National Grasslands found in North Dakota and the Resource Management Plans (RMP) for the Dakotas BLM District, and the EA. The Forest Service and BLM may, at times, restrict damage management that concerns public safety or resource values.

The analyses in the EA demonstrate that Alternative 3: 1) best addresses the issues identified in the EA, 2) provides the safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage with the lowest impacts on non-target species, 4) balances the economic effects to agricultural and natural resource, and property, and 5) allows WS to meet its obligations to the NDGF and other cooperating agencies or entities.

Monitoring

The North Dakota WS program will provide to the NDGF the WS take of target and non-target animals to help insure the total statewide take (WS take and sport harvest) does not impact the viability of beaver or muskrat populations as determined by the NDGF.

Public Involvement

Before development of the EA, 171 letters were mailed to individuals and organizations identified as having an interest in WS beaver and muskrat damage management. Notices of the proposed action and availability of the public involvement letter were published in the six major newspapers and a notice via the NDGA Advocate. A total of four comment letters or cards were received during the initial public involvement period. These letters were reviewed to identify any additional substantial issues to be addressed.

Major Issues

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

1. Concern for the North Dakota kill of beaver and muskrats to cause population declines, when added to other mortality.
2. Concern about the selectivity, relative cost and effectiveness of beaver and muskrat damage management.
3. Concern about the effects of North Dakota WS beaver and muskrat damage management on public health and safety.

Alternatives That Were Fully Evaluated

The following Alternatives were developed by the Multi-agency Team to respond to the issues. Three additional alternatives were considered but not analyzed in detail. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives and issues.

Alternative 1. No Action - Continue the current North Dakota WS Program. The No Action Alternative was analyzed and used as a baseline for comparing the effects of the other Alternatives as required by 40 CFR 1502.14(d). This alternative consists of the current program of technical assistance and operational IWDM (ADC Directive 2.105) by North Dakota WS on lands under Cooperative Agreement and Agreement for Control. The current program direction is primarily for the protection of agricultural and natural resources and roadways.

Alternative 2. No Federal North Dakota WS Program. This alternative would terminate the Federal beaver and muskrat damage management program in North Dakota. Alternative 2 was not selected because WS is charged by law and reaffirmed by a recent court decision to reduce damage caused by wildlife. This alternative would not allow WS to meet its statutory responsibility for providing assistance or to reduce wildlife damage. Alternative 2 violates the MOU between APHIS-WS whereby the Forest Service and BLM mutually recognize that management of wildlife damage on Forest Service and BLM managed lands is important and may involve wildlife damage management to achieve land and resource management

objectives.

Alternative 3. Fully Integrated Wildlife Damage Management (IWDM) for all Land Classes: (Proposed Alternative). This alternative would allow for beaver and muskrat damage management based on the needs of multiple resources (agricultural and natural resources, property, and public health and safety) and would be implemented following consultations with the NDGF, Federal agencies or Tribes, as appropriate. This alternative would allow for a Federal WS program to protect multiple resources on all land classes at the request of the land management agency or individual if a Cooperative Agreement and/or Agreement for Control with North Dakota WS, as appropriate, are in place. Alternative 3 conforms to the MOUs between WS, the Forest Service and BLM that mutually recognize that the management of wildlife damage on Forest Service and BLM lands is important and with the North Dakota State agencies to reduce beaver and muskrat damage to achieve land and resource management objectives. Analysis of Alternative 3 showed low level of impact for the target species, non-target species and T&E species.

Alternative 4. Technical Assistance Only. Under this alternative, North Dakota WS would not conduct operational beaver and muskrat damage management in North Dakota. The entire program would consist of only technical assistance and all operational beaver and muskrat damage management in North Dakota would be eliminated. Alternative 4 was not selected because it was inconsistent with Forest Service and BLM policy. Alternative 4 would not allow WS to: 1) respond to all requests, 2) monitor the implementation of producer used non-lethal methods, 3) assist the NDGF or USFWS in meeting wildlife management objectives, and 4) address public health and safety requests.

Alternatives Considered but not Analyzed in Detail are the Following:

Compensation for Wildlife Damage Losses. The Compensation Alternative would direct all North Dakota WS program efforts and resources to the verification of losses from beaver and muskrats and providing monetary compensation. WS services would not include any direct damage management nor would technical assistance or non-lethal methods be provided. This alternative was eliminated from detailed analysis in USDA (1994) because of many disadvantages such as: (1) the alternative would require large expenditures of money and a large work force to investigate and validate all losses and to determine and administer appropriate compensation, (2) compensation would likely be below full market value and many losses could not be verified, (3) compensation would give little incentive to resource owners to limit damage through management strategies, (4) not all property owners/managers would rely completely on compensation and lethal control of beaver and muskrats would most likely continue as permitted by State law, and (5) Congress has not appropriated funds to compensate for wildlife damage.

Eradication and Suppression. The eradication and suppression alternative would direct all North Dakota WS program efforts toward planned, total elimination of beaver and muskrats. Eradication of beaver and muskrats in North Dakota is not supported by North Dakota WS or NDGF. By North Dakota state statute, "*The legislature recognized the importance of maintaining close contact with living communities and environmental systems.*" The law mandates the acquisition of natural areas (North Dakota Century Code (NDCC) 55-11-01). Other statutory policies are to preserve the state's natural resources and wildlife, and to protect wetlands (NDCC 4-22-01) (Defenders of Wildlife and the Center for Wildlife Law 1996). This alternative will not be considered by North Dakota WS in detail because: (1) WS is opposed to the eradication of any native wildlife species, (2) NDGF and NDDA oppose the eradication of any native North Dakota wildlife species, (3) the eradication of a native species or local population would be extremely difficult, if not impossible to accomplish, (4) would be cost prohibitive, and (5) eradication is not acceptable to most people.

Bounties. Bounties or payment of funds for killing animals suspected of causing economic losses is not supported by the NDGD and NDDA. North Dakota WS concurs with these agencies because: 1) bounties are generally not effective in managing wildlife, 2) circumstances surrounding take of animals are largely unregulated, 3) no process exists to prohibit taking of animals from outside the damage management area for compensation purposes, and 4) North Dakota WS does not have the authority to establish a bounty program.

Finding of No Significant Impact

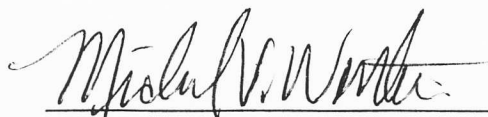
The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Beaver and muskrat damage management, as conducted by WS in North Dakota, is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety.
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.
6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through this assessment. The number of beaver and muskrat taken by WS, when added to the total known other take of both species, falls well within allowable harvest levels.
8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.
9. An informal consultation with the USFWS confirmed that the proposed action would not likely adversely affect any T&E species.
10. The proposed action would be in compliance with all Federal, State, and local laws imposed for the protection of the environment.

Decision and Rationale

I have carefully reviewed the EA and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 3 (Fully Integrated Wildlife Damage Management (IWDM) for all Land Classes - Proposed Alternative in the EA) and applying the associated mitigation and monitoring measures discussed in Chapter 3 of the EA. Alternative 3 would provide the greatest effectiveness and selectivity of methods available, the best cost-effectiveness, and has the potential to even further reduce the current low level of risk to the public, pets, and T&E species. WS will continue to use currently authorized wildlife damage management methods in compliance with all the applicable mitigation measures listed in Chapter 3 of the EA. I have also adopted the Pre-Decisional North Dakota Aquatic Rodent Damage Management EA as the final. Most comments identified from public involvement were minor and did not change the analysis.

For additional information regarding this decision, please contact Louis E. Huffman, APHIS-WS, 2110 Miriam Cir., Suite A, Bismarck, North Dakota 58501-2502, telephone (701) 250-4405.



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Date

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